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COUNCIL PAPERS, 1698-1701.

(From the originals in the Virginia State Library.)

(CONTINUED)

PETITION OF ROBERT QUARY, WITH ORDER.

At the Court at S^t James's the 2d day of May, 1702.

Present

The Queens most Excellent Majesty in Council.

Upon reading this day at the Board the humble petition of Robert Quary setting forth that being Judge of the Court of Vice Admiralty; and Surveyor Gen^ll of her Matys Customs in Pensilvania and having in discharge of his duty proceeded according to Law against Piracie and illegal Traders and being obliged for her Matys service to come over to lay before her Maty the state of her Matys plantatons in those parts relating to Trade, and the danger they are in from the French in case of War, M^r Pen by vexatious proceedings here, has caused him to be arrested in several great actions and obtained a Writt of Ne exeat Regnum against him, and obliged him to give two thousand pounds security, without any just right purely to oppress him, and oppose his prosecuting her Matys interest, And therefore humbly praying that care may be taken for his protection: Her Maty in Council is pleased to refer the consideracon of the said petition, a copy whereof is hereunto annexed to the R^t hon^{ble} the Lord Keeper of the Great Seal of England, who is to examine the petitioners case, and Report to her Majesty how he finds the same, together with his opinion what her Maty may fittly do for the pet^rs relief in case his Lo^p shall not see

cause to Supercede the s^d Writt of ne exeat Regnum obtained against the pet^r.

John Povey.

To her Most Sacred Maty

The Humble Peticon of Rob^t Quarry

Shewth

That y^e Petitioner hath been Judge of y^r Maj^{ties} Court of Vice Admiralty for y^e Province of Pensilvania &c for near 5 years and is now appointed Survey^r Gen^{ll} of y^e Majestys Customes of y^e s^d Provinces &c.

That in discharge of his duty and oath & effectually to exterminate Piracy and Illegal traders he did according to Law Seize Sev^{ll} pirates and their Treasures and Condemn'd Sev^{ll} Ships for breach of y^e act of Trade and Navigation.

That y^r Maty's service obliging him Consonant to y^e desires of y^e Council of trade to come for England in order to lay before y^r Maj^{ties} y^e p^{sent} State of Sev^{ll} of y^r Matys Provinces in America in relation to trade Governm^t and y^e dang^r they are in from y^e French in case of a War.

That y^r Pet^r is also impowered by y^r Maj^{ties} Loyal Subjects of y^e Church of England inhabiting in y^e Province of Pensilvania and by y^e Representatives of y^e Inhabitants of y^e three Lower Counties in Assembly met, to Set forth y^e Misery hardship and Slavery w^{ch} they are Subjected to by y^e arbitrary Governm^t of y^e Quakers over them who will not allow them y^e Rights and Liberties w^{ch} y^r Maty's Subjects in all y^r Plantacons in America do enjoy.

That y^r Maj^{ties} Authority Lawes and Officers have been affronted opposed and abused in y^e Governm^t in Pensilvania and, Piracy and Illegal Trade encouraged and Carried on to y^r Maj^{ties} great damage.

That y^r Pet^r hath lately given in a full State of all these matters ag^t M^r Pen and his Governm^t w^{ch} is now under the Consideracon of y^r Maj^{ties} Hon^{ble} Comm^{rs} of Trade and Plantacons all and every part of w^{ch} charge y^r Pet^r is ready to Prove.

That y^e s^d Pen did Threaten y^r Pet^r before y^e s^d Council of trade and by his vexatious Proceedings hath caused y^r

Petitioner to be arrested in Sev'll great actions and by Some Misinformacon given to y^e R^t Hon'ble y^e Lord Keeper Some of y^e People called Quakers have gott a writt of Ne Exeat Regnum and hath taken up y^r Pet^r and held him to £2000 Security without any just Right ag^t him purely to oppress and ruin y^r Pet^r and to oppose y^r Pet^r in prosecuting y^r Maj^{ties} interest.

That y^r Pet^r is indebted to no Person nor desires any Protection for any Just debt and y^t It hath cost y^r Pet^r near £300 in coming over and in defending himself ag^t their unjust Proceedings

Y^r Pet^r therefore most humbly Implores y^r most Sacred Maj^{ties} That he may not be Ruined for his Zeale for y^r Matys Service and Interest and y^t y^r Maj^{ties} will please to order y^t such care may be taken for y^e Protecon of y^r Pet^r as to y^r great wisdom shall seem Meet.

And y^r Pet^r (as in duty bound) shall ever Pray &c.

A true Copy.

John Povey.

PROCLAMATION OF WAR WITH FRANCE AND SPAIN, AND FOR A
DAY OF FASTING AND PRAYER, 1702.

By His Excellency.

Whereas her most sacred Majesty hath been pleased, (by the R^t hon'ble Daniel Earl of Nottingham her Matys principal Secretary of State) to Signify unto me her Declaration of War ag^t France & Spain with command to cause the same be published and proclaimed in this her Matys Colony and Dominion Therefore I Francis Nicholson Esq^r her Matys Lieuten^t and Governor Gen'll of Virginia Do hereby in her Matys name Command & Require the Collonels and Ccmmanders in chief of the Militia in all & every the Countys within this Colony with all convenient Speed to appoint a Muster of all the Militia under their respective commands or of so many of them as can be conveniently got together, to meet at such place as they shall think fitt to appoint, and there to cause her Maj^{ties} Declaration of

War agst France & Spain (a Copy whereof I have Ordered to be herewith sent) to be openly published, and proclaimed by sound of Trumpet & beat of Drum. And I do likewise require the Justices of the peace of the said Several Countys to cause the s^d Declaracon of War be read at the first Court held for their said Countys to the end all her Matys Subjects may have notice thereof, and conforme themselves accordingly.

And whereas upon this occasion it highly concerns all her Matys dutifull & Loving Subjects to implore the protection of Almighty God, and his blessing upon her Matys Arms, and those of her Allies in so just and necessary an Undertaking for preserving the Liberty & ballance of Europe and preventing the mischiefs threatning the same by the exorbitant power of France^e I have therefore thought fitt to Order and appoint that Wednesday the seventh day of October next be set apart and kept as a day of solemn & publick fasting & humiliation by all and every the Inhabitants of this her Matys Colony & Dominion to deprecate the wrath of Almighty God justly due to Us for our sins, and to implore his mercy towards us in the preservation of her Ma^{ties} sacred person, and granting her a long & prosperous Reign over Us, giving Success to her Armes and those of her Allies ag^t the common Enemy both by Sea & land, continuing unanimity between her Maty and all her Subjects, and preserving this her Matys Colony & Dominion from all attempts of our Enemys, and continuing to us that peace and quiet w^{ch} we at present enjoy. And that in all & every parish or parishes where there is a Minister there be publick prayers & a Sermon in the Church suitable to the occasion. And that in such other Churches & Chappells where there is no Minister, publick prayers & an homily be read by the Clerk or Reader, Hereby enjoining the said Ministers & Readers respectively to read the two last Collects in the Commination together with that prayer appointed by the Rubrick to be read in time of War & tumults, Which said prayer is hereby appointed to be constantly used in all Churches & Chappells within this Dominion untill I shall give Orders to the contrary. And I do further will and Require all her Majestys Subjects reverently and religiously to observe and keep the aforesaid Seventh day of October

next by abstaining from all servile and bodily labour and religiously attending the service of the day as they tender the favour of Almighty God. Hereby commanding and Requiring the sheriffs of every County within this Colony to cause this my Order to be read and published in all Churches Chappells & other publick places within thcir respective Countys as they will answer the contrary at their peril. Given under my hand & the seal of the Colony at her Ma^{ties} Royal College of William and Mary this day of September 1702 in the first year of her Matys Reign

Fr Nicholson

PROCLAMATION IN REGARD TO THE MILITIA, 1702.

These are in her Majestys name to require the Sheriff of each County to Summon the Feild Officers viz the Collonel, Lieuten^t Collonel & Major of their respective Countys to meet me at the City of Williamsburgh on the 20th day of October next in order to hold a Gen'll Council of War. And the said feild Officers are hereby commanded to give strict Orders to every person under their respective Commands that they provide themselves with Arms and Ammunition as the Law directs, And to intimate to them that there are two Ships now in York River bound to England that such as are unprovided may take this opportunity of sending to England for the same. Hereby also requiring the s'd feild Officers to cause the several Laws relating to the Militia, and also such orders as they have from time to time received from me be put in effectual execution. And for the ease of all her Matys Subjects I have thought fitt to give notice that (after the Muster appointed by the within Order for publishing her Maj^{ties} declaration of War) No Gen'll Muster of any County nor particular Muster of Troop or Company shall be required till the begining of March next.

And whereas diverse Claimes for publick Services presented to the Gen'll Assembly were rejected on Acc^t of their being no Country charge, And it being reasonable that such Claimes should be satisfied I do therefore hereby make known that all persons having Claimes for publick services and transmitting

the same to the Council Office betwixt and the 4th day of next October Gen'll Court shall be paid out of her Matys Revenue, provided the said Claimes be duly proved & certified as the Law directs And the Sheriffs are to give notice to the late Bur-gesses to return to the Council Office such Claimes as are in their hands.

Fr Nicholson

COMMISSIONERS OF THE CUSTOMS TO EDWARD HILL(1)

M^r Hill

We have rec'd y^{rs} of the 30th May last and according to yo^r desire we give you Leave to Come and attend y^r affairs here in England taking Care that y^e Kings Service Suffer not in y^r absence and yr^t y^r stay be as short as may be We Rest

Y^r Loving Friends
Walter Yonge
Sam Clarke
Ben overton
Rob^t Henley

Custom house London
9th Aug^t 1701

CERTIFICATES IN REGARD TO GEORGE KEITH(2)

These are to assure all persons that may require Satisfaction concerning the bearer M^r George Keith that he is a person that hath done eminent service to the Church in bringing off many Quakers from the error of their Ways, And is now gone with full purpose to undeceive as many as he can of that way who are in

(1) Probably Edward Hill, Jr., of "Shirley", Collector of Customs for James River.

(2) George Keith who was born at Aberdeen, Scotland about 1645, and died in Sussex, Eng. in 1715, was for many years a prominent Quaker and was resident in Pennsylvania; but about 1689 he changed his views and became a member of the Church of England. He was sent to America in 1702 by the Society for the Propagation of the Gospel on a mission to Pa. & N. J. He was the author of several books. His daughter Anne, married George Walker, of Hampton, Va., and had many descendants in Virginia, among them George Wythe, Signer of the Declaration of Independence.

the Northern plantacons of America especially those of Pensilvania. Therefore I do earnestly recommend him to the favourable protection of all those under whose power he shall come, and by such kind assistance and Countenance he may be assisted to the better Success of so good an undertaking. Given under my hand this third day of April Ao D'nt 1702.

H. London

S^r

This comes to recommend the bearer M^r George Keith to yo^r favour & protection, I suppose you cannot but have heard of him, and he is now gone over to promote the truth amongst his old acquaintance in Pensilvania. He is in the full Orders of our Church, So that you may permit him to preach when & where you please within yo^r Government. I presume the greatest favour he has to beg of you is yo^r countenance & recommendation of him to such Governm^{ts} as he is like to visite. I do intend if I can possibly to write to you more at large by Coll. Quarry, and therefore conclude at present

S^r

Yo^r most assured friend & humble serv^t

H. London

Fulham Ap^c 3d 1702

To his Excell'cy Coll.'o Nicholson

Gov^r of Virginia

1702. Apr. 21

My very worthy & much Hon'ed Friend

This comes very seasonably for the truly Apostolical mission of the bearer hereof M^r George Keith whom God hath wonderfully qualified for that work, and the Society have desired him to undertake it at the publick charge. I need add no more concerning this matter for you will have a particular account from himself of every thing worth yo^r Informacon. I heartily pray for yo^r Excell'cys health & propsperity in all things of this World &c better

Yo^r Ex'cys truly affectionate Servant

W. Worcester.

(TO BE CONTINUED)